

01-09-02

Customer Number: 000959

**DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM**  
**UNDER RULE 1.53(b) (former Rule 1.60)**

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/041,159	PRIOR APPLICATION FILING DATE: MARCH 12, 1998
GIN-5295CPCN	CLASS:	SUBCLASS:	EXAMINER: MITA, R.	ART UNIT: 1653

COMMISSIONER FOR PATENTS  
 BOX PATENT APPLICATION  
 WASHINGTON, DC 20231

1000 U.S. PTO  
 10/041778  
 01/07/02

**CERTIFICATION UNDER 37 CFR 1.10**

Date of Deposit: January 7, 2002 Mailing Label Number: EL 916 827 377 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Viriato G. Cardoso  
 Name of Person Mailing Paper

Viriato G. Cardoso  
 Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/041,159 filed on March 12, 1998, of Michael Bowman entitled Secreted Proteins, BA3.1, and Polynucleotides Encoding Same which in turn is a continuation-in-part of application of serial no. 08/818,163 filed on March 14, 1997.

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:
- ☒ 41 page(s) of specification (including 2 pages of sequence listing)
  - ☒ 4 page(s) of claims
  - ☒ 1 page(s) of abstract
  - ☒ 1 sheet(s) of drawing
  - ☒ 2 page(s) of unexecuted declaration and power of attorney.

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/041,159 as originally filed on March 12, 1998.

2. ☐ Applicant claims small entity status. See 37 CFR 1.2.

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 JC978 U.S. PTO

09/041,159

3. ☒ The filing fee is calculated below:

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 24	MINUS	** 20	= 4
INDEP.	* 3	MINUS	*** 3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY	
RATE	FEE
x 9 =	\$0.00
x 42 =	\$0.00
+140 =	\$0.00
BASIC FEE	\$0.00
TOTAL	\$0.00

OR

OTHER THAN A SMALL ENTITY	
RATE	FEE
x 18 =	\$72.00
x 84 =	\$0.00
+ 280 =	\$0.00
BASIC FEE	\$740.00
TOTAL	\$812.00

OR

4. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this communication, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
5. ☒ **THE FILING FEE IS NOT BEING SUBMITTED AT THIS TIME**
6. ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8. ☒ Amend the specification by replacing the first paragraph with the following text: "This application is a continuation application of application serial no. 09/041,159, entitled "Secreted Protein, BA3.1, and Polynucleotides Encoding Same" filed on March 12, 1998 (pending), which in turn is a continuation-in-part of application serial no. 08/818,163, entitled "Secreted Protein, BA3.1, and Polynucleotides Encoding Same" filed on March 14, 1997 (U.S. Patent No. 5,792,628). The contents of all of the aforementioned application(s) are hereby incorporated by reference."
9. ☐ Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10. ☐
11. ☒ The prior application is assigned of record to Genetics Institute, Inc..
12. ☒ A Request for five month extension of time has been submitted in the parent application Serial No. GIN-5295CP in order to establish copendency with the present application.
13. ☒ Also enclosed is a pre-paid acknowledgement postcard.
14. ☒ The power of attorney in the prior application is to Lahive & Cockfield, LLP.
- a. ☐ The power appears in the original papers in the prior application.
- b. ☒ Since the power does not appear in the original papers, a copy of the Revocation of Prior Powers of Attorney and Appointment of New Power of Attorney is enclosed.
- c. ☐ A new power has been executed and is attached.
15. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Amy E. Mandragouras, Esquire at Customer Number: **000959** whose address is:

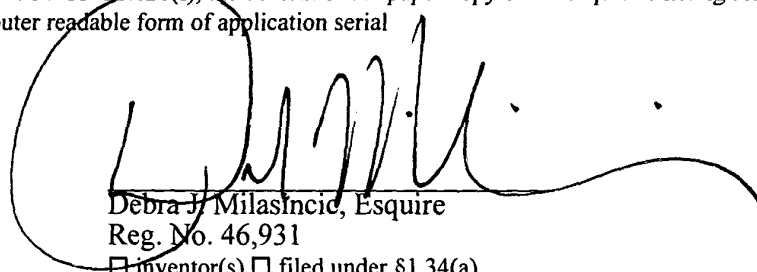
Lahive & Cockfield, LLP  
28 State Street  
Boston, Massachusetts 02109

09/04/98 09:00 AM

16. ☒ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. 09/041,159. Please use the computer readable form of application serial no. 09/041,159 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. 09/041,159 are the same.

January 7, 2002  
Date

LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
Tel. (617) 227-7400



Debra J. Milasincic, Esquire  
Reg. No. 46,931

- ☐ inventor(s) ☐ filed under §1.34(a)  
☐ assignee of complete interest  
☒ attorney or agent of record

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